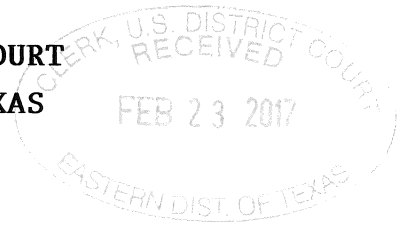


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION



CHARLES BRYANT,

§

PLAINTIFF,

§

VS.

§

CIVIL ACTION NO. 6:17 CV 109 RWS/  
KNM

LORIE DAVIS,  
EXECUTIVE DIRECTOR OF  
THE TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE-C.I.D.

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**PLAINTIFF'S ORIGINAL COMPLAINT &  
APPLICATION FOR INJUNCTIVE RELIEF**

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Plaintiff files this Original Complaint and asks the Court grant him injunctive relief. In support of this complaint Plaintiff would respectfully the Court as follows:

**1. Parties**

1.1 Plaintiff, Charles Bryant, is an inmate (TDCJ # 1184590) confined in the H.H. Coffield Unit of the Texas Department of Criminal Justice located at 2661 F.M. 2054, Tennessee Colony, County of Anderson, Texas 75880.

1.2 On information and belief, Lorie Davis is the director of the Texas Department of Criminal Justice, and her office address is 209 West 14 street., 5th floor, Austin, Texas 78701.

**2. Jurisdiction & Venue**

2.1 This Court has jurisdiction over the subject matter of of this action under 42 U.S.C. §2000cc-2(a) and 28 U.S.C. §1331

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because this case is based on the Religious Land Use and Institutionalized Persons Act, which is codified in the United States Code at 42 U.S.C. §2000cc, et seq. (RLUIPA).

2.3 Venue is proper in the Eastern District of Texas in that plaintiff is in custody and being held by the Texas Department of Criminal Justice (TDCJ) within the Eastern District of Texas, the complained actions of TDCJ occurred and are occurring in the Eastern District of Texas, and the challenged TDCJ policies of which plaintiff complains are enforced in the Eastern District of Texas.

### 3. Factual Background

3.1 Plaintiff, Charles Bryant, is a Hindu inmate, confined in the H.H. Coffield Unit of the Texas Department of Criminal Justice.

3.2 Plaintiff has a sincere religious belief that his faith, Hinduism, requires him to wear a "Choti." (A "Choti" is a braid of long hair on the top of the head. The end of which tied into a simple knot. The "Choti" is a religious symbol of the restraint of Plaintiff's ideals and principles. It is worn to help generate noble thoughts within the mind of the adherent.) Defendant's grooming policy prohibits him from wearing a "Choti." Defendant enforces her grooming policy against plaintiff, and thus imposes a substantial burden on plaintiff prohibiting him from practicing his religion, Hinduism.

3.3 Defendant has exhausted his administrative remedies.

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**4. Count one: Defendant's grooming policy violates RLUIPA.**

4.1 Plaintiff incorporates by this reference the foregoing paragraphs of his complaint as if fully set forth herein.

4.2 Defendant's enforcement of her grooming policy against plaintiff violates RLUIPA. In particular, defendant's grooming policy requires plaintiff to wear his hair in a perscribed manner and forbids what TDCJ claims is an "Extreme Haircut."

4.3 Plaintiff has a sincerely held religious belief that in order to practice his religion, Hinduism, he must wear a Choti. Defendant's grooming policy, and enforcement of her the grooming policy, prohibits plaintiff from wearing his Choti, and thereby burdens plaintiff's exercise of his sincerely held religious belief by prohibiting him from practicing Hinduism.

4.4 Defendant does not have a compelling state interest in maintaining her grooming policy. Further Defendant's grooming policy violates RLUIPA and plaintiff is entitled to injunctive relief prohibiting the enforcement of Defendant's grooming policy against plaintiff, attorney fees if any and costs.

**5. Exhaustion of administrative remedies.**

5.1 Plaintiff has exhausted his administrative remedies, Plaintiff has attached his grievances to this original complaint and incorporates them for all purposes by this reference.

**6. Injunctive Relief**

6.1 Plaintiff seeks an injunction preventing Defendant from enforceing TDCJ's grooming policy in violation of RLUIPA.

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**7. Attorney Fees & Costs**

7.1 Should this Court appoint an attorney to assist in the preparation, discovery and trial of this lawsuit. Upon judgment, plaintiff is entitled to an award of attorney fees and costs under 42 U.S.C. §1988; Fed.R.Civ.P. 54(d).

**8. Prayer**

8.1 For these reasons, plaintiff asks for judgment against defendant for the following:

8.2 Find that defendant's grooming policy violates RLUIPA as enforced against Plaintiff Charles Bryant.

8.3 Order injunctive relief to prohibit defendant from enforcing her grooming policy against plaintiff Charles Bryant.

8.4 Order reasonable attorneys fees.

8.5 costs of suit

8.6 All other relief the court deems appropriate.

Respectfully submitted,

x C. Bryant  
Charles Bryant  
Plaintiff-pro se  
TDCJ#: 1184590  
H.H. Coffield Unit  
2661 F.M. 2054  
Tennessee Colony, Tx 75884

**9. Certificate of Mailing**

I, Charles Bryant, certify that "plaintiff's original complaint and application for injudctive relief" was mailed to the clerk of the court by depositing it within the institutional mail system on this 17 day of February 2017.

x C. Bryant  
Charles Bryant



## Texas Department of Criminal Justice

# STEP 1

## OFFENDER GRIEVANCE FORM

## OFFICE USE ONLY

Grievance #: 2017034620  
 Date Received: 11/2/16  
 Date Due: 12/12/16  
 Grievance Code: 1V  
 Investigator ID #: P22m  
 Extension Date: \_\_\_\_\_  
 Date Retd to Offender: DEC 02 2016

Offender Name: Charles Bryant TDCJ # 1184590  
 Unit: Coffield Housing Assignment: 36-1C-05  
 Unit where incident occurred: Coffield

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Henderson Chaplain via T60 returned When? 10-28-16  
 What was their response? he questioned which faith group practices observance  
 What action was taken? Pending

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

Chaplain Henderson violated rules of The Religious Land Use and Institutionalized Person Act (RLUIPA) codified as 42 section 200. Delay tactics and the asking of religious affiliation are a direct violation of the (RLUIPA). I am being delayed in response to my T60 (official request) to wear my hair in a religious style of a Choti. I state that the right that I am seeking is based upon "a sincerely held religious belief." I do not need to claim an affiliation with any specific religion. The reason that no specific affiliation is required is because, "any exercise of religion - whether or not compelled by that faith is covered by (RLUIPA) 42 USC Section 200 cc. 5 (7)." Our religious rights are anchored in the First Amendment of the U.S. Constitution which guarantees both our right to freedom of speech and to practice the faith of our choice. The Fourteenth Amendment guarantees equal treatment and supports our rights. The Religious Land Use and Institutionalized Persons Act addresses and specifically sets forth my religious rights as an inmate.

A Choti is a braid of long hair on top of the head. The end of the hair is tied in a simple knot. The Choti is a religious symbolic of the restraint of our ideals and principles. It is supposed to help generate noble thoughts within the mind. NOV 02 2016

Action Requested to resolve your Complaint:

To have the freedom in exercising my sincerely held religious belief by wearing my hair in a religious style of a Choti without further delay.

Offender Signature: C. Bryant

NOV 02 2016

Date: 10.31.16

Grievance Response:

The Chaplain states that religious hair braids are not permitted. No further action is warranted.

Signature Authority: P Cooper

Date: 12-1-16

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



Texas Department of Criminal Justice

# STEP 2

## OFFENDER GRIEVANCE FORM

Offender Name: Charles Bryant TDCJ # 1184590  
 Unit: Coffield Housing Assignment: P6 K5  
 Unit where incident occurred: Coffield

OFFICE USE ONLY	
Grievance #: <u>2017034620</u>	
UGI Recd Date: <u>DEC 12 2016</u>	
HQ Recd Date: <u>DEC 16 2016</u>	
Date Due: <u>12</u>	
Grievance Code: <u>102</u>	
Investigator ID#: <u>2069</u>	
Extension Date: _____	

*You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.*

**Give reason for appeal (Be Specific).** *I am dissatisfied with the response at Step 1 because...*

*the issue is not resolved at the Step 1 level.*

*By filing this Step 2, I now exhausted all available remedies.*

Offender Signature: C. BryantDate: 12/10/16

## Grievance Response:

An investigation has been conducted into your complaint. You have offered no additional facts that would change the response at Step 1. You may contact your unit Chaplain to fill out an HQ-150 Religious needs Assessment form, for your requests.. No further action from this office is warranted.

**MICHAEL RUTLEDGE**  
ASST. DIR. OF CHAPLAINCY OPERATIONS

Signature Authority: V. L. DunnDate: 12-27-16Returned because: *\*Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY****Initial Submission** CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission** CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission** CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

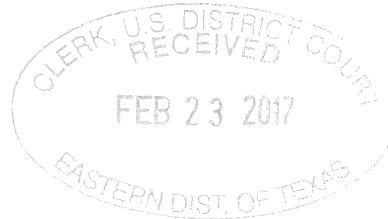


CHARLES BRYANT  
1184590-COFFIELD UNIT  
2661 F.M. 2054  
TENNESSEE COLONY, TX 75884

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February 15, 2017

Clerk:  
United States District Court  
Eastern District of Texas  
Tyler Division  
211 W. Fergusson  
Tyler Texas 75702



RE: Initial filing.

Dear Clerk:

Greetings, enclosed please find two copies of my "Original Complaint & Application for Injunctive Relief." Please file and bring to the attention of the Court.

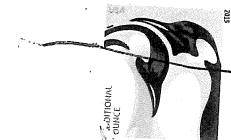
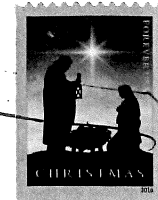
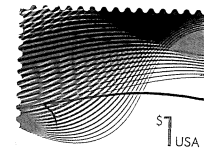
Thank you in advance for your assistance.

Respectfully,

A handwritten signature in cursive script, appearing to read "C. Bryant".

Charles Bryant

CHARLES BK  
#1184590-C  
2661 F.M.  
TENNESSEE COLONY, TX 75884



CLERK-US DISTRICT COURT  
EASTERN DISTRICT-TYLER DIV.  
211 WEST FERGUSON ST RM.106  
TYLER, TEXAS 75702

1X49 1X100 1X21